

CONFIDENTIAL ORIGINAL

Verizon-MA Section 271 Application  
Reply Comments of Allegiance Telecom of Massachusetts, Inc.  
November 3, 2000

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of )  
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Application of Verizon New England, Inc. )  
Bell Atlantic Communications, Inc. (d/b/a )  
Verizon Long Distance), NYNEX Long Distance )  
Company (d/b/a Verizon Enterprise Solutions), )  
And Verizon Global Networks, Inc., for )  
Authorization To Provide In-Region, )  
InterLATA Services in Massachusetts )

NOV 3 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

CC Docket No. 00-176

**REPLY COMMENTS OF ALLEGIANCE TELECOM OF MASSACHUSETTS, INC. ON  
VERIZON'S SECTION 271 APPLICATION FOR MASSACHUSETTS**

Allegiance Telecom of Massachusetts, Inc. ("Allegiance"), by its undersigned counsel, hereby submits its reply comments on the Application of Verizon-New England, Inc. ("Verizon-MA") for authority to provide in-region long distance service in Massachusetts pursuant to Section 271 of the Communications Act of 1934, as amended (the "Act").

Allegiance is a facilities-based competitive local exchange carrier ("CLEC") currently providing service in 26 markets in 19 states, including Massachusetts, and the District of Columbia, with plans to be operational in 36 metropolitan areas by the end of 2001. Allegiance provides facilities-based and resold local exchange, interexchange and international services, as well as Internet access and high speed data services.

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**I. Introduction and Summary**

Verizon-MA has come a long way toward providing CLECs with the kind of services necessary to bring genuine local competition to Massachusetts. Significantly, as evidenced by its performance in New York, Verizon has demonstrated that it has the ability to fully meet the Section 271 competitive checklist. In Allegiance's view, Verizon-MA has made very substantial progress, and indeed has also met the requirements of Section 271, with respect to many of the most important and difficult competitive checklist obligations, including (1) OSS access through the Electronic Data Interchange ("EDI") interface system allowing Allegiance to implement "electronic bonding" for local service orders; and (2) collocation. While Verizon-MA needs additional improvement in certain critical areas, including those associated with interconnection trunks, high capacity loop and transport provisioning, it is on the threshold of achieving overall compliance. Again, as evidenced by its performance in New York, there is no question that Verizon has the capacity to reduce and/or eliminate these deficiencies and to do so quickly. To ensure that Verizon-MA has the appropriate incentives to continue to improve, the Commission should condition its entry into the Massachusetts long distance market on meeting the loop and trunk provisioning requirements of the checklist within 90 days.

When the Commission approves Verizon-MA's Application, it should do so on terms that will discourage and penalize backsliding. The effectiveness of the anti-backsliding measures adopted by the Commission in the New York proceeding have been proven and they should be incorporated in every future Section 271 decision. In order to further the development of competition in Massachusetts, the Commission should adopt a "fresh look" policy that permits customers currently locked into long-term contracts with Verizon to select another carrier without penalty. Finally, to facilitate competition, Allegiance recommends that the Commission

condition approval on Verizon's willingness to make available on-line the text of all currently effective interconnection agreements.

## **II. Verizon-MA's Application Meets Critical Requirements Of Section 271**

In Allegiance's view, Verizon-MA's Application shows that it currently satisfies most key requirements of section 271. In particular, Verizon-MA provides non-discriminatory access to OSS through its EDI interface, which has permitted Allegiance to implement "electronic bonding" for local service orders. In addition, Verizon has improved substantially its provisioning and management of central office collocation.

### **A. Through Electronic Bonding, Verizon Is Providing Allegiance With Nondiscriminatory Access To OSS In Accordance With Section 271**

Allegiance's involvement with Verizon-MA began in earnest in June of 1998, well before Allegiance's rollout of service in Massachusetts. It was then when the two companies agreed to work together to interconnect electronically (or "bond") Allegiance's OSS with Verizon's OSS for the provision of local service orders ("LSRs") via an EDI interface. About six months later, Allegiance and Verizon announced the first successful implementation of electronic bonding between an RBOC and a competitive LEC for local service requests ("LSRs"). While the initial implementation was effectuated in New York, the OSS interconnectivity and associated capabilities and benefits were immediately achieved when Allegiance rolled out its first Massachusetts services. Electronic OSS interconnection has enabled Allegiance, with minimal manual intervention, to process orders for customers switching from Verizon-MA to Allegiance and to confirm initiation and provision of service in real time. In addition, since initial service

rollout in Massachusetts, Allegiance successfully has expanded its OSS interconnection to include ASRs as well as LSRs.

**B. Verizon's Collocation Provisioning Complies With Section 271**

One area in which Verizon has substantially improved its performance since filing its New York 271 Application involves its collocation management. Because Allegiance is an extensive user of unbundled loops, Allegiance relies heavily on central office collocation. The collocation process is one in which Verizon and competitive LECs must work together closely, as competitive LECs depend on Verizon for everything from building access to electric power and environmental conditioning. To improve upon coordination efforts, Verizon has instituted a group called the Collocation Customer Care ("CCC") Help Desk to manage collocation-related issues.

Since the establishment of that group, Allegiance has experienced significantly-improved performance from Verizon in both New York and Massachusetts in resolving issues associated with in-service central office collocation arrangements. Although Verizon has been able to provide interconnection and transport facilities for only two of the 14 collocations Allegiance had scheduled for 2000 in Massachusetts,<sup>1</sup> Verizon collocation personnel have been working diligently with Allegiance to address the facilities issues and aim to increase the number of completed collocations by year-end. In addition, Verizon-MA and Allegiance personnel hold regular weekly conference calls, which focus specifically on capacity issues.

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Verizon's provisioning problem is not unique to Massachusetts. In September, Allegiance identified for Verizon a backlog of 167 access orders, 31 of which were for the Boston market. Again, such delays hamper a CLEC's ability to expand its services while idling facilities that could be serving customers.

**C. Verizon-MA's Use Of Dedicated Account Personnel Has Assisted Its  
Section 271 Compliance**

Allegiance has experienced similar improvements in ordering and provisioning when Verizon-MA has dedicated personnel specifically to Allegiance's account. For example, Allegiance now has a single point of contact at Verizon's Boston ordering center (TISOC). Verizon-MA, as well as other Section 271 aspirants, should extend this practice to all ordering centers to provide greater continuity and consistency in their service to CLECs.

**III. If The Commission Grants Verizon's Application, The Approval Should Be  
Accompanied By Certain Pro-Competitive Conditions**

**A. The Commission Should Establish A Federal Anti-Backsliding Framework**

As Allegiance has argued before, as RBOCs enter the interLATA toll market, the Commission should develop a federal framework for ensuring ongoing BOC compliance with checklist items and should do so in a manner consistent with Allegiance's February 1, 1999 Anti-Backsliding Petition.<sup>2</sup> Because RBOCs must continue to satisfy the market-opening requirements imposed by section 271 after receiving in-region interLATA approval, a federal framework is needed to make the "rules of the road" clear to RBOCs, competitors and regulators. Under such a framework the Commission could, for example, establish minimum performance standards to determine whether Verizon-MA continued to satisfy its section 271 obligations.

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<sup>2</sup> See *Development of a National Framework to Detect and Deter Backsliding to Ensure Continued Bell Operating Company Compliance with Section 271 of the Communications Act Once In-region InterLATA Relief Is Obtained*, Petition for Rulemaking, RM 9474 (Feb. 1, 1999) at 24-28 ("*Allegiance Petition*").

The recent experience in New York after the Commission granted Verizon's Application there underscores the need for strong anti-backsliding measures.<sup>3</sup> Within weeks after receiving authority to provide long-distance service in New York, Verizon's operations support systems ("OSS") slowed considerably.<sup>4</sup> As the Commission observed in its March Order:

Evidence submitted by Bell Atlantic in this investigation suggests that Bell Atlantic's performance in providing order acknowledgments, confirmation and rejection notices, and order completion notices for UNE-Platform local service orders deteriorated following Bell Atlantic's entry into the New York long distance market. Data submitted by Bell Atlantic indicates that the problem appears most acute for January and February of this year. Specifically, Bell Atlantic indicates that it received trouble tickets from competing carriers in November 1999 regarding 33,000 orders; 60,000 in December 1999, and more than 86,000 in January 2000. For the first eleven days of February 2000, Bell Atlantic reports receiving trouble tickets regarding another 48,000.<sup>5</sup>

This unusual performance led to the payment of \$3,000,000 in fines to the U.S. Treasury. For the same deficiencies, the New York Public Service Commission ordered Verizon to rebate \$10 million to its CLEC customers. Verizon subsequently brought its OSS back to a more acceptable level of performance. As Verizon's New York experience demonstrates, anti-backsliding measures are not only necessary, they also work by delivering a swift and sure incentive to keep services to CLECs at a level this Commission expects of RBOCs to which it has granted Section 271 authority.

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<sup>3</sup> *In the Matter of Bell Atlantic-New York Authorization Under Section 271 of the Communications Act to provide In-Region, InterLATA Service in the State of New York*, Order, FCC 00-92, 15 FCC Rcd. 5413 at ¶ 7 (March 9, 2000).

<sup>4</sup> *In the Matter of Bell Atlantic-New York Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service In the State of New York*, File No. EB-00-IH-0085, Acct. No. X32080004, FCC 00-92 (*rel'd* Mar. 9, 2000).

<sup>5</sup> *In the Matter of Bell Atlantic-New York Authorization Under Section 271 of the Communications Act to provide In-Region, InterLATA Service in the State of New York*, Order, FCC 00-92, 15 FCC Rcd. 5413 at ¶ 7 (March 9, 2000).

Allegiance continues to endorse a three-tiered remedy structure that would “ratchet up” pressure to encourage an RBOC to comply with its section 271 obligations and commitments, particularly in states where the state regulatory authorities have limited powers and/or resources. Failure to comply with minimum performance standards should result in price reductions to competitive LECs. Continued noncompliance should result in the temporary suspension of the RBOC’s authority to provide new in-region interLATA services (without affecting existing customer services) pursuant to the complaint procedure outlined in section 271(c)(6) of the Act. If these price reductions and the temporary suspension of section 271 authority for new and additional customer services failed to result in BOC compliance with the competitive checklist, the Commission would assess material fines on the BOC, as expressly authorized by the Act.

**B. Before Granting Section 271 Relief, The Commission Should Adopt A “Customer Liberation” Fresh Look Policy To Ensure That Markets Remain Irreversibly Open To Competition**

A Commission decision authorizing Verizon’s entry into the interLATA toll service market in Massachusetts will add a new competitor to markets that have been open to new entrants for over a decade. By contrast, new entrants have only recently begun to make inroads into the ILECs’ local telecommunications markets. To ensure that all local service providers have a fair opportunity to compete to serve all customers in a state, the Commission should implement a “customer liberation” fresh look policy, concurrently with its grant of section 271 authority in that state. Specifically, the Commission should adopt a “fresh look” requirement that permits customers to discontinue long term contracts for local exchange and intraLATA (and Corridor long distance services, where Corridors exist), without penalty.

The Commission's use of a fresh look policy in the past has worked well in helping to bring the benefits of competition to consumers in previously closed markets.<sup>6</sup> Allegiance recommends that the Commission similarly adopt a "customer liberation" or fresh look policy in conjunction with its grant of in-region interLATA authority to Verizon-MA. The danger to competition posed by customers "locked up" in long-term service arrangements previously has been presented to the Commission. Specifically, competitive LECs have urged the Commission that the potential assessment of termination penalties has deterred customers from switching their service from an ILEC to a CLEC.<sup>7</sup>

Consistent with its prior decisions, the FCC should permit any customer with an existing long-term contract for local exchange or intraLATA toll services to terminate that agreement without incurring any termination penalties. This option should be available for a customer of any such agreement that is in effect as of the date of the Commission's order granting in-region, interLATA authority to Verizon-MA, and to all RBOCs in the future. This customer liberation policy would remove artificial barriers to full competition between competitive LECs and RBOCs. Customers for the first time would have access to a full range of alternative services offered by different carriers. Competitive LECs for the first time would have a realistic opportunity to compete to serve these customers. And, RBOCs for the first time would have to compete to retain these customers.

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<sup>6</sup> See *Competition in the Interstate Interexchange Marketplace*, Report and Order (FCC 91-251), CC Dkt. No. 90-132, 6 FCC Rcd 5880 (1991) (800 numbers); *Expanded Interconnection with Local Telephone Company Facilities*, Report and Order and Notice of Proposed Rulemaking, 7 FCC Rcd 7369 (1992) (competitive access providers).

<sup>7</sup> See *KMC Telecom, Inc., Petition for Declaratory Ruling*, CC Dkt. No. 99-142 (filed Apr. 26, 1999).



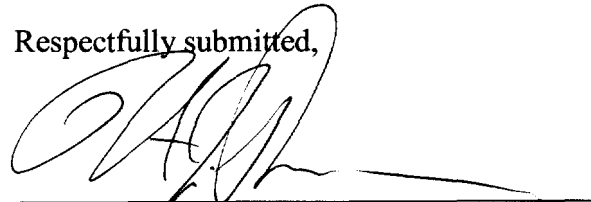
**C. Verizon Should Post All Available Interconnection Agreements on the Web**

Finally, in order to promote competition in Massachusetts and aid CLECs in exercising their right to port agreements from one Verizon state to another, Allegiance proposes that the Commission condition approval on requiring Verizon to post all available interconnection agreements on its web site. Given that Verizon-MA has electronic copies of all of its interconnection agreements, it would not be burdensome for Verizon-MA to post the interconnection agreements on the web to promote the free flow of information and delay competition. CLECs need immediate access to these agreements to facilitate time-sensitive on-going interconnection negotiations with Verizon-MA and for section 252(i) consideration purposes. Unquestionably, a requirement that Verizon make all such agreements electronically and freely available on the Internet as a condition of Section 271 authority would serve the public interest.

**CONCLUSION**

For the foregoing reasons, the Commission should grant the Verizon-MA Application on the condition that it come into compliance with the interconnection, loop and transport provisioning requirements of the checklist within 90 days. Upon approval, the Commission should impose the conditions set forth above.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'M. Albert', written over a horizontal line.

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